IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 20677 of 2007(J)

PETITIONER:

SREEKUMARI.P., UPSA, RAMAKRISHNA
A.U.P.SCHOOL, THATHARAMKAVILKUNNU,
KONIKKAZHI P.O., OTTAPPALAM, PALAKKAD DISTRICT.

BY ADV. SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA

RESPONDENTS:

1. STATE OF KERALA - REPRESENTED BY
SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DISTRICT EDUCATIONAL OFFICER,
OTTAPPALAM, PALAKKAD DISTRICT.

3. THE ASSISTANT EDUCATIONAL OFFICER,
CHERPULASSERY, OTTAPPALAM TALUK,
PALAKKAD DISTRICT.

4. THE MANAGER, RAMAKRISHNA A.U.P.SCHOOL
THATHRAMKAVILKUNNU, KONIKKAZHI P.O.
OTTAPPALAM, PALAKKAD DISTRICT.

5. V.NIRMALADEVI, UPSA (H.M. IN CHARGE),
RAMAKRISHNA A.U.P.SCHOOL, THATHRAMKAVILKUNNU,
KONIKKAZHI, PALAKKAD DISTRICT.

6. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.20677 OF 2007

Dated this the 5th day of July, 2007

JUDGMENT

Petitioner who is an Upper Primary School Assistant in an aided school impugns Ext.P10 order passed by the District Educational Officer. It appears that by the impugned order, the officer has rejected the claim made by the petitioner for promotion to the post of Headmistress in the school and has consequently directed approval of appointment of her rival claimant. It cannot be disputed that petitioner has got an alternate statutory remedy under the Kerala Education Rules. She can prefer a revision petition against the impugned order as provided under Rule 8A of Chapter XIV A KER. Learned counsel submits that petitioner is prepared to take recourse to the said statutory remedy. But the apprehension of the petitioner is that by the time petitioner moves the statutory authority the impugned order is likely to be implemented in which event the issue may become fait accompli.

2. Having regard to the peculiar facts and circumstances, particularly having perused Ext.P7 judgment of this court and also having due consideration of the nature of the issue involved in this case, I am satisfied that the operation and implementation of Ext.P10 order can be kept in abeyance for a short period in order to enable the petitioner to have an effective adjudication of the issue before the revisional authority. Simultaneously, the interest of respondent no.5 can also be safeguarded.

3. In the above facts and circumstances, the writ petition is disposed of with the following directions. Petitioner shall prefer the revision petition against Ext.P10 order before respondent no.6 within two weeks from today. Respondent no.6 shall dispose of the revision petition after hearing the petitioner, the manager and respondent no.5 as expeditiously as possible, at any rate, within three months from the date of receipt of the revision petition. It is made clear that I have not considered the merit of the contentions raised by the petitioner. It will be open to the revisional

authority to take a decision strictly on its merit and in accordance with law, keeping in view the judicial precedents referred to in the case. Petitioner shall send a copy of the writ petition and a certified copy of the judgment to respondents 4 and 5 by registered post with acknowledgment due within seven days from the date of receipt of a copy of the judgment. Petitioner shall also produce the certified copy of the judgment along with the copy of the writ petition before respondent no.6 for compliance.

4. The operation and implementation of Ext.P10 order passed by the District Educational Officer shall be kept in abeyance for one month from today. It will be open to the petitioner to move the revisional authority for appropriate interim orders.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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